

Notice of Allowability

Application No.

09/294,461

Examiner

Mark Fadok

Applicant(s)

ADAMS ET AL.

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3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to BPAI decision mailed 9/29/2006.
2. ☒ The allowed claim(s) is/are 29-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 7/6/2000.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Notice of Allowance

The examiner is in receipt of BAPI Decision mailed 9/29/2006. Acknowledgement is made to the reversal of the examiner's position in favor of the appellant's. Based on the Board decision the following reasons for allowance presented:

Drawings

The drawings filed on 4/19/1999 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance. See PTO-948 mailed 7/6/2000.

Reasons for Allowance

Claims 29-40 are allowable.

The following is an Examiner's statement of reasons for allowance for Independent claims 1,10,20,28 and 36.

The application is allowable for the reasons set forth on page 3 of the decision of The Board of Patent Appeals and Interferences appeal No 2005-1938, which is hereby incorporated by reference. As noted therein, and as argued in appellant's brief, the prior art of record neither anticipates nor fairly and reasonably teaches a system, for

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generating personalized shopping lists comprising, *inter alia*, Claim 29 – personalized shipping list containing the selected goods and the isle and location in the selected retail outlet of the selected goods. And Claim 40- personalized shopping list containing the selected items of goods and the isle location in the selected retail outlet of the selected items of goods.

US Patents and PG-PUB

(i) US Patent 5890175 to Wong et al. discloses a method for providing catalog location information. Wong et al, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Foreign Patent Documents

(iii) WO 01/35307 to Reizfeld teaches a method for a supplier to provide aisle information and for a consumer to make a list. Reizfeld however, fails to anticipate or render the application's above-mentioned limitation(s) obvious because the effective date is after the priority date of the instant application.

Non-Patent Literature

(iv) Russell, teaches providing book location over the Internet. Russell, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey A. Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450
or faxed to:

571-273-8300 [Official communications; including
After Final communications labeled
"Box AF"]

For general questions the receptionist can be reached at
571.272.3600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

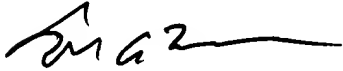
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'M. Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Primary Examiner